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FILED
DISTRICT COURT OF GUAM

By JEHAN'AD. G. MARTINEZ

AUG - 9 2005 *AP*

Attorneys for *Defendant Imperial Suites, Inc.*
dba Imperial Suites Hotel

MARY L.M. MORAN
CLERK OF COURT

IN THE DISTRICT COURT OF GUAM

LA-RESA BLAS,

Plaintiff,

vs.

IMPERIAL SUITES, INC., d/b/a
IMPERIAL SUITES HOTEL and BONG
ROBATO,

Defendants.

CIVIL CASE NO. CV03-00027

**RULE 16.5 MOTION FOR
EXTENSIONS IN SCHEDULING
ORDER AND VACATION OF
EXISTING TRIAL DATE
[NO ORAL ARGUMENT REQUESTED]**

COMES NOW Defendant **IMPERIAL SUITES, INC. dba IMPERIAL SUITES HOTEL**
(hereinafter "Imperial Suites") and pursuant to Local Rule 16.5
submits the instant Motion to extend the deadline and the
Scheduling Order and to vacate the August 31, 2005 trial date in
this matter.

INTRODUCTION¹

This matter arises out of an allegation that Plaintiff was
sexually harassed, in contravention of Title VII of the Civil
Rights Act of 1964, by Imperial Suites' Chief Executive Officer,
Bong Yao Robato ("Mr. Robato").

¹ All facts contained herein are supported by the contemporaneously filed
Affidavit of Jehan'Ad G. Martinez.

1 Since the alleged incident, Imperial Suites has ceased
2 operations as a going concern, terminated employment
3 relationships with all those it had previously employed.
4 Additionally, the General Manager and Custodian of Records for
5 the corporation recently passed away of cancer, and the alleged
6 assailant, Mr. Robato, now permanently resides in the
7 Philippines, where he is suffering from effects of a stroke,
8 similar to those associated with Alzheimer's disease.

10 Because Mr. Robato resides in the Republic of the Philippine
11 Islands, Plaintiff's counsel and Imperial Suites' counsel
12 traveled to Manila to conduct his deposition on May 31, 2005.²
13 Since that time, counsel is informed that only a draft of the
14 transcripts have been produced, which draft has not yet been
15 provided to Imperial Suites' counsel. A finalized version of the
16 deposition transcript, along with its exhibits, has not yet been
17 compiled by the court reporter retained in Manila for the
18 transcription services.

20 Because of Mr. Robato's involvement in this matter, the fact
21 that he is laboring under physical and mental infirmity, and that
22 he resides beyond 100 miles from the District of Guam, it was
23 Imperial Suites' intent to seek permission to use Mr. Robato's
24 deposition transcript in lieu of live testimony at trial pursuant
25

26 ² Plaintiff's counsel noticed the foreign deposition with a stipulation for
27 Imperial Suites.

1 to Rule of Civil Procedure 32(a)(3). However, as of the filing
2 of this application, no such deposition transcript has been made
3 available to Defendants and therefore no application for its use
4 at trial has been submitted. Imperial Suites has no other
5 witnesses to the incident to testify in support of its defense.
6

7 Trial is now fast upon us, and the preliminary pretrial
8 conference is less than 24 hours away from the filing of this
9 Motion.

10 CONCLUSION

11 As a consequence of the aforementioned facts, Imperial
12 Suites respectfully requests that the trial date of August 31,
13 2005 be vacated and that a new schedule be issued to allow the
14 parties to get the finalized transcript of Mr. Robato's May 31,
15 2005 deposition.
16

17 This is Imperial Suites' first request for an extension of
18 the Scheduling Order. Additionally, Plaintiff's counsel has no
19 objection to Imperial Suites' Motion.

20 **RESPECTFULLY SUBMITTED** this 9th day of August, 2005.

21 **KLEMM, BLAIR, STERLING & JOHNSON**
22 **A PROFESSIONAL CORPORATION**

23
24 BY: 

JEHAN'AD G. MARTINEZ

*Attorneys for Defendant Imperial Suites, Inc. dba Imperial
Suites Hotel*

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RESCHEDULE TRIAL RE BLAS V IMPERIAL SUITES ET AL.DOC